

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JAASON MCALLISTER,	:	CIVIL ACTION NO. 1:12-CV-2273
	:	
Plaintiff	:	(Chief Judge Conner)
	:	
v.	:	
	:	
JOSHUA WIEKL, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 27th day of February, 2014, upon consideration of the motion (Doc. 15) to dismiss filed on behalf of defendants Nichols, Weikel, Frankenstein, Hoch, Hoose, Smith and Walborn, and in accordance with this Court's Memorandum of the same date, it is hereby ORDERED that:

1. Defendants' motion (Doc. 15) is GRANTED IN PART and DENIED IN PART.
2. Defendants' motion is GRANTED as follows:
 - a. The claims against defendants Nichols and Walborn are dismissed in their entirety. The Clerk of Court is directed to TERMINATE these defendants.
 - b. The official capacity claims are dismissed as to defendants Weikel, Frankenstein, Hoch, Hoose, and Smith.

3. Defendants' motion is DENIED in all other respects.
4. Defendants DeRose, Weikel, Frankenstein, Hoch, Hoose, and Smith shall file an answer to plaintiff's amended complaint (Doc. 14) or appropriate pretrial motion on or before March 12, 2014.

/S/ CHRISTOPHER C. CONNER

Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania